

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIE YANG,

Plaintiff,

v.

FRANCESCA'S COLLECTIONS, INC.,

Defendant.

Case No.17-cv-04950-HSG

ORDER TO SHOW CAUSE

On March 8, 2018, former counsel for Plaintiff filed a motion to withdraw because Plaintiff had failed to respond to any of counsel's communications related to the case since December 17, 2017. *See* Dkt. No. 53 at 3. On April 10, 2018, the Court ordered Plaintiff to appear in person at the hearing on the motion to withdraw, which was scheduled for April 19, 2018. Dkt. No. 64. On April 19, 2018, the Court briefly heard argument on the motion, took the matter under submission, and granted it. *See* Dkt. No. 65. Plaintiff failed to appear at the hearing as ordered by the Court.

Federal Rule of Civil Procedure 41(b) provides that where a "plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." But a defendant need not file a motion in order for a district court to dismiss a case under Rule 41(b), given the Supreme Court's statement that "[t]he authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs[.]" *See Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962).


Accordingly, Plaintiff is ordered **TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute. Plaintiff, appearing either through new counsel or pro se, must

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file a statement of no more than two pages no later than April 30, 2018 explaining why the case should not be dismissed in light of the facts described above.

IT IS SO ORDERED.

Dated: 4/19/2018


HAYWOOD S. GILLIAM, JR.
United States District Judge